

CASE SCHEDULED FOR ORAL ARGUMENT ON FEBRUARY 26 & 27, 2000

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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No. 00-5212

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MICROSOFT CORPORATION,

Defendant-Appellant

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No. 00-5213

STATE OF NEW YORK, EX REL. ATTORNEY GENERAL  
ELIOT SPITZER ET AL.,

Plaintiffs-Appellees

v.

MICROSOFT CORPORATION,

Defendant-Appellant

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**APPELLEES' MOTION FOR ENLARGEMENT OF TIME  
TO FILE CD-ROM**

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The Court's Orders of October 11 and November 3, 2000 provide for appellees to file the CD-ROM versions of our brief today. Due to technical problems at the vendor beyond appellees' control, however, the CD-ROM is not ready. Thus, appellees respectfully request an extension until January 22, 2001, to file the CD-ROMs. We are authorized by counsel to state that

appellant Microsoft Corporation does not object to this motion.

Pursuant to the Court's encouragement in its October 11 Order, the parties have cooperated by using one vendor, realLegal.com, to produce all CD-ROM versions of the parties' briefs in this case. Despite appellees best efforts in providing the needed materials to realLegal in a timely manner, and having an attorney and legal assistant in Denver (where realLegal's offices are located) since Monday, January 15, to work with them in finalizing the CD-ROM, realLegal has not completed its work.

RealLegal currently expects to complete the CD-ROM today, which would permit government counsel to transport it to Washington overnight, for filing tomorrow, January 19. Because the CD-ROM has not yet been completed, however, we believe it prudent to request that the deadline be extended until Monday, January 22, although we will make every effort to file it earlier.

### CONCLUSION

The Court should grant an extension to January 22, 2001, for appellees to file the CD-ROM.

Respectfully submitted.

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## CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of January, 2001, I caused one copy of the foregoing APPELLEES' MOTION FOR ENLARGEMENT OF TIME TO FILE CD-ROM to be sent via facsimile to:

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